FINDENCE OF FACT AND CONCLUSIONS OF LAW

The Port Lomer become requests a variance, pursuant to Section 22 companying of the Bail smore county code and Section 400.3 and of the Ballimore County Loning Regulations (B.v.Z.R.), to permit the height of an an commonly building (poothouse) to be 19-1.2 in lieu of the permitted 15 ft., an more particularly described on Petitioner's Exhibits No. 1 and

The Pointioner having filed a Petition for a Residential Variance, the subject property, known is 2022 Greenspring Valley Road, consisting of 1.7 decres, defined R.C.F. having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner In requesting a variance to permit the height of an accessory building (poorhouse) to be 19-1/2 ft. in neight in lieu of the permitted 15 ft. in herapt, at the rear of the pool farthest from the residential house.

The Petitioners have filed the supporting attidavits, as required by Section 22-26 (b)(1) of the Ballimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the nealth, safety and/or general wellare of the public and, therefore, the relief should be granted.

to the opinion of the Moning Commissioner, it is established that the information and affidavits provide sufficient evidence and facts that the

proposed variance request would comply with the requirements of Section agric of the B.C.A.R. Farthermore, strict compliance with the b.C.A.R. -mould resolute that the practical differently and/or undescensible hardship upon the Patitioner. Based as a the information available, the relief should be granted.

Purposent to the posting of the property and the provisions of both the Baitimore County Code and the Baitimore County Zoning Regulations, and Top the reacons given above, the requested variance should be granted.

THEREPORE, IT IS ORDERED by the Zoming Commissioner for Ballimore County this 22 day of 2/xel, 1991 that the Petition for a boning Variance, pursuant to Section $22.26(\mathfrak{p})(1)$ of the Baltimore County Code and Section 400.3 of the B.C.A.R., to permit the height of an accessory building (poolhouse) to be 19-1/2 ft. in height in lieu of the permitted 15 fr.in height. in accordance with Fetilioner's Exhibits No. 1 and 2, 13 hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the reflet granted herein.

> 1. The Petitioner may apply for his building permut and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appetrate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petillioner would be required to return, and be responsible for returning, said property to its original condition.

P. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The accessory structure shall contain no living or sleeping quarters and no kitchen facilities.

> Moning Commissioner for Baltimore County

cc: Peoples Counsol

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-356-A
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(-) and Affiant(s is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

for a Residential Zoning Veriance at the above address: (indicate hardship or practical difficulty) THE OWNER WILL BE UNABLE TO MAKE REMODERALE LISE OF HIS PROPERTY: AND CONFORMANCE TO THE HEIGHT RESPONDEN WOULD GREATHY REDUCE THE OVERALL PROMITECRURAL QUALITY OF A SARVOINE DEGIGNED TO BE COMPANIBLE WANTE ENSOWY RESIDENTIAL SALVERINE.

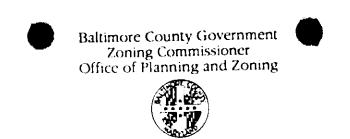
That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. munu AFFIRST (Handwritten Signature)

True Livse w APPIANT (Printed Mans)

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made outh in due form of las that the matters and facts hereinahows set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITHESS my hand and Motarial Seal.

ZONING DESCRIPTION BEGINNING AT A POINT ON THE NORTHERNMOST RIGHT OF WAY LINE OF GREENSPRING VALLEY RD 30 FT WIDE AT THE INTERSECTION WITH THE EMSTERNMOST RIGHTOFWAY OF OLD VALLEY RD 20 FT WIDE THENCE PROCEEDING THE FOLLOWING DIRECTIONS AND DISTANCES, Northeastern direction of a Northern derection for 569.79' \$ 84.75' then



111 West Chesapeake Avenue Towson, MD 2120+

887-3353

April 22, 1991

Mr. Jack Luskin 2022 Greenspring Valley Road Stevenson, Maryland 21153

> RE: Petition for Residential Zoning Variance Case No. 91-356-A

Dear Mr. Luskin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

cc: Peoples Counsel cc: Harry Goldman

CERTIFICATE OF POSTING

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acation of Signs		<u>, , , , , , , , , , , , , , , , , , , </u>
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lemarks:	 Data of return	

	Baltimore County
\$ 50°40°	Zoning Commisioner
70.25	County Office Building
	111 West Chesapeake Avenue
ACT IV	Towson, Maryland 21204
•	

LAST NAME OF CURRER: LUSKIN

receipt

Account: R-001-6150

H9100350 3/19/91 PUBLIC HEARING FEED 010 -ZUNING VARIANCE (IBL) OBO -POSTING SIGNS / ADVESTIBLING 1 A TOTAL: \$60.00

04AD4#D134MICHRC

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

400.3 - THE HEIGHT OFAN ACCESSORY BUILDING TO BE 19 1/4 AT IN LIEU OF THE PERMITTED 15 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) 1. THE OWNER WILL BE UNABLE TO MAKE READONABLE USE OF HIS PROPERTY. 2. CONFORMANCE WOULD GREATLY REDUCE THE OVERALL ARCHITECTURAL DUALITY OF A STRUCTURE SPECIFICALLY DESIGNED TO BE COMPATIBLE

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

WITH THE EXISTING RESIDENTIAL STRUCTURE.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of

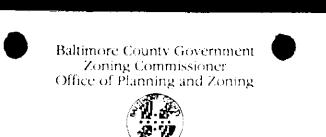
	this Petition.	
Contract Purchaser:	Legal Owner(s):	MAR NEILE
	Jack Luskin	E-3
(Type or Print Heme)	(Type or Print Name)	2.b. 3
Signature	Signature	The same and the s
Address	(Type or Print Name)	And the second s
City/State/2ip Code	Signature	in G
Attorney for Petitioner:	2022 Greenspring Valley Ro	
(Type or Print Mase)	Address Stevenson, MD 21153	Phone

petition be poeted on the property on or before the ______ day of _APRIL

IT IS FIRTHER DEDERED by the Zoning Commissioner of Baltimore County, this _____ day of in Ross 198, County Office Building in Touson, Baltimore County, on the _____ day of ____

_			
	ORDER	RECEIVED	FOR FILING

ORDER RECEIVED FOR FILING		
Date	SONTING CONTRIBUTIONER OF BALTIFICIE COUNTY	
	·	



111 West Chesapeake Avenue Towson, MD 2120 r

887-3353

March 28, 1991

2022 Greenspring Valley Road Stevenson, Maryland 21153

Mr. Jack Luskin

Re: CASE NUMBER: 91-356-A LOCATION: N/S Greenspring Valley Road, O' W of Old Valley Road 2022 Greenspring Valley Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 3, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is April 18, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD. THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > Very truly yours, (301) 387-3391

111 West Chesapeake Avenue Towson, MD 21204

April 8, 1991

Mr. Jack Luskin 2022 Greenspring Valley Road Baltimore, MD 21153

> RE: Item No. 350, Case No. 91-356-A Petitioner: Jack Luskin, et ux Petition for Residential Variance

Dear Mr. Luskin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JED jw

Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991 FROM Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for April 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 349, 350, 351, 352, 353 and 354.

For Items #9, Cycle IV (R-91-115) and 355, a County Review Group Meeting may be required for each site.

For Item 289, the site is subject to comments by the Maryland State Highway Administration.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:8

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this

J. ROBERT HAINES ZONING COMMISSIONER

Received By:

Petitioner: Jack Luskin

19th day of March, 1991.

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

March 28, 1991

Zoning Commissioner Office of Planning and Zoning

DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #350, Zoning Advisory Committee Meeting of April 2, 1991, Jack Luskin, N/S Greenspring Valley Road, O' W of Old Valley Road, (#2022 Greenspring Valley Road), D-3, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any plumbing waste lines installed in the pool house must be directed

into the existing septic system.

SSF:rmk

Baltimore County Government Fire Department

(301) 887-4500

APRIL 3, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

700 East Joppa Road Suite 901 Towson, MD 21204-5500

RE: Property Owner: JACK LUSKIN

> Location: \$2022 GREENSPRING VALLEY ROAD Zoning Agenda: APRIL 2, 1991 Item No.: 350

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

April 9, 1991

887-3353

Mr. Jack Luskin Luskin's, Inc. 1125 Cromwell Bridge Road

Towson, Maryland 21204

RE: 2022 Greenspring Valley Road Residential Variance - Case No. 91-356-A

Dear Mr. Luskin:

Thank you for your letter dated March 19, 1991 regarding the Pool House and your attached correspondence addressed to the County Executive concerning the high quality of work performed by my staff.

While I understand and appreciate your dilemma in this matter, it is highly irregular to ask for a permit prior to the determination of relief for a variance. As I am sure you are aware, a variance is a judicial process and the timeframe of processing the variances is strictly provided for in the laws of Baltimore County. You should understand that I am not unsympathetic to your position, it is simply a matter of the propriety of your

Thank you for your time and consideration and be assured that I will address your case immediately following the April 18, 1991 closing date.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

February 14, 1991

887-3353

Mr. Michael D. Pachino 25 Falls Chapel Way Reisterstown, Maryland 21136

RE: Conditional Construction Permit "A Poolhouse for the Luskins" 2022 Greenspring Valley Road

Dear Mr. Pachino:

In response to your letter dated February 12, 1991 in which you have requested a conditional construction permit for the subject project, the following comments are offered.

As you have indicated in your letter, you have already been advised by the Development Control Division of this Office that a variance is needed as the proposed poolhouse structure exceeds the height restrictions of the Baltimore County Zoning Regulations. Please be advised that I do not believe it would be appropriate at this time to entertain a conditional building permit for the subject project, inasmuch as you have not yet filed a Petition for the necessary relief. Further, I have reviewed the plans submitted and I believe it is highly questionable as to whether or not the proposed structure is in fact a poolhouse, in view of the recent decision in Zoning Case No. 91-29-SPH, Thomas Thingelstad, et ux, Petitioners.

Given these factors, conditional approval is not a matter to be discussed until the actual variance and special hearing petitions have been filed. Finally, I see no compelling reason, as a matter affecting the health, safety or general welfare of the community, to issue a conditional permit for such a project. Therefore, it is suggested that you proceed with filing the necessary petitions.

In the meantime, should you have any questions regarding the Petition filing process, please feel free to contact the Development Control Division at 887-3391 and a technician will be happy to assist you.

Very truly yours,

Zoning Commissioner

for Baltimore County

91-3401 -1/13 D

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 17, 1991 J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Jack Luskin, Item No. 350

In reference to the requested variance, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM350/ZAC1



March 19, 1991

Re: 2022 Greenspring

Balto., MD 21153

Valley Road,

Mr. J. Robert Haines Office Of Zoning Baltimore County Office Building Baltimore, Maryland

Dear Mr. Haines:

I am writing to you in reference to Zoning Commission Item # 350 filed today, March 19, 1991.

Due to the problems we are facing in regard to our time frame for the contstruction of our proposed Pool House, I am requesting a provisional approval from you to allow the writer to construct the Pool House as shown in the Petition item. The permit for the Pool itself has been approved and received by the writer.

Mr. Haines, I sincerely need your help. At this point and time, our pool is under construction and all of the appropriate crews and contractors are in place. All the necessary grading that has to be done is in the process of being done now. Obviously, if we have a long delay, we not only have to deal with the delay itself, but we have to bring back in the same crews for the grading, foundations, etc., as well as the repair of the grading at completion.

In addition, we anticipate that the pool will be complete prior to our ability to obtain the necessary approval from your office. Therefore, I sincerely ask for your help and indulgence so that we do not have to repeat all of the necessary work that is already in process. This also causes us to not being able to enjoy the use of the Pool and Pool House for this season.

will hopefully respond favorably.

I sincerely hope that you will review this request and

Again, your assistance in this matter would be genuinely appreciated.

Sincerely, Jack Luskin

91-356-A

3/17/7/

LUSKIN'S INC. 1125 CROMWELL BRIDGE RD. + TOWSON, MARYLAND 21204 + BALT. (301) 339-5456 + FAX NO. (301) 832-5266

March 21, 1991

Mr. Roger Hayden Baltimore County Executive Baltimore County Court House Towson, MD 21204

Dear Mr. Hayden:

I just want to take a moment of your time to let you know that generally most lay people are reluctant or even fearful in dealing with the mechanics of government.

A good example would be my recent requirement to file for a zoning variance. At that time I fulfilled all the appropriate papers and they were rather complex for me as an individual since this was for my private home. At that time I was fortunate enough to have the assistance of two very fine young people in your zoning department and they are Mr. Larry Goetz and Mr. John Lewis. They could not have been more helpful and considerate and I just wanted to let you know how much we genuinely appreciated their assistance.

> Very truly yours, LUSKIN'S, INC. Jack Luskin **Chairman**

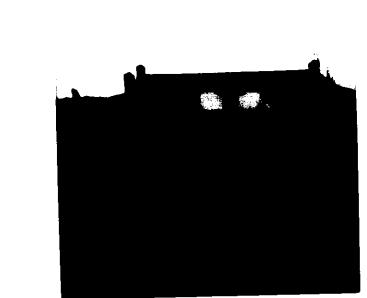
cc: J. Robert Haines

Larry Coetz

John Lewis

LUSKIN'S INC. 7125 COLUMBIA GATEWAY • COLUMBIA, MARYLAND 21046-2199 • BALT. (301) 290-1111 • FAX NO. (301) 290-1009

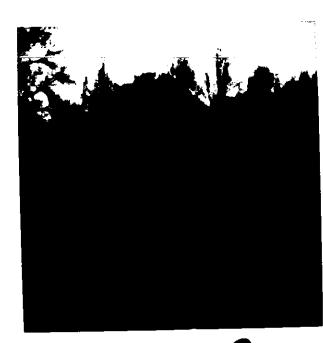
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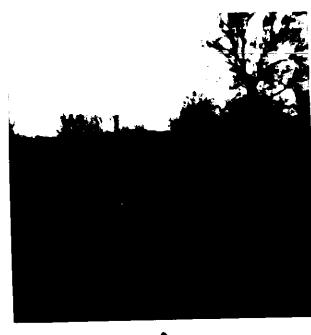




3/19/91

3-19-91





3-19-91

3/17/9/

PETITIONER'S EXHIBIT#

PETITIONER'S EXHIBIT # 3

February 12, 1991

Mr. J. Robert Haines, Zoning Commissioner Baltimore County Office of Planning & Zoning 111 W. Chesapeake Avenue, Room #113 Towson, Maryland 21204

Dear Mr. Haines:

This letter refers to a project known as "A Poolhouse For The Luskin's", located at 2022 Greenspring Valley Road, Owings Mills, Maryland 21117.

During the process of permit application, it was brought to my attention that the poolhouse structure exceeded the height restriction as outlined in the special regulations of the Baltimore County Zoning Regulations Article 4, Section 400.3,

This structure sits on a parcel of land nearly 10 acres in size. The design of the structure was guided by the Owners desire to make it architecturally compatible with the existing house by using circlehead transom windows above the entry doors similar to ones constructed at the entrance to the existing house. Additionally, these windows were necessary to bring natural light into the poolroom space.

Whereas the elimination of these transom windows would allow the structure to conform to height restrictions, it would greatly reduce the overall architectural quality of the building.

I am aware that standard procedures would dictate a petition for a residential variance, and the Owner has provided information as required for this action.

On behalf of the Owner, Mr. Jack Luskin, I am seeking a temporary or conditional construction permit (providing that all other requirements are met) to allow construction to begin as soon as possible so that this project can be completed on schedule.

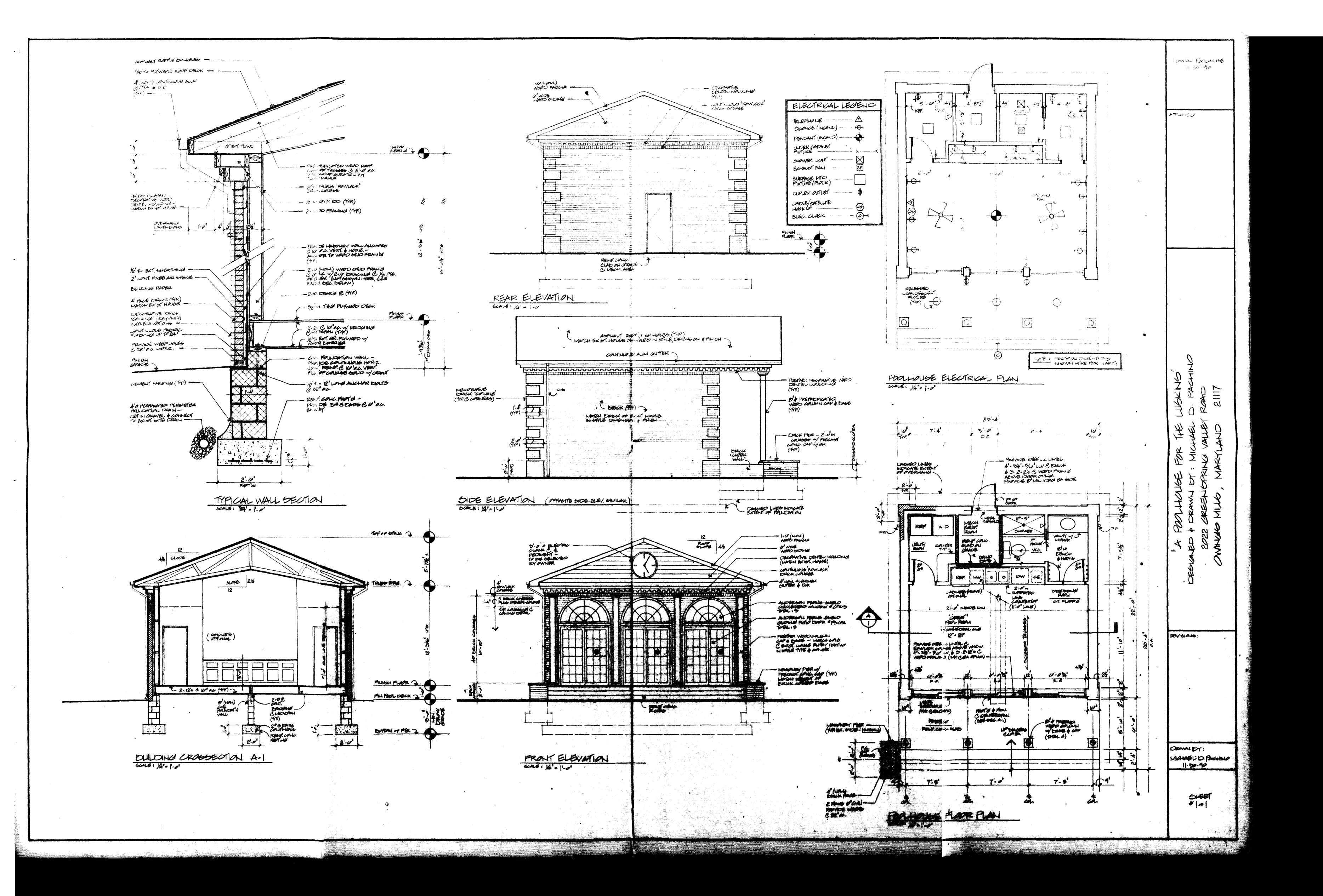
Because the structure is not in gross violation of the height restriction, and it does not visually impose upon its neighbors (due to the size of the parcel it is situated on) we would hope that the zoning variance would be approved in a timely fashion.

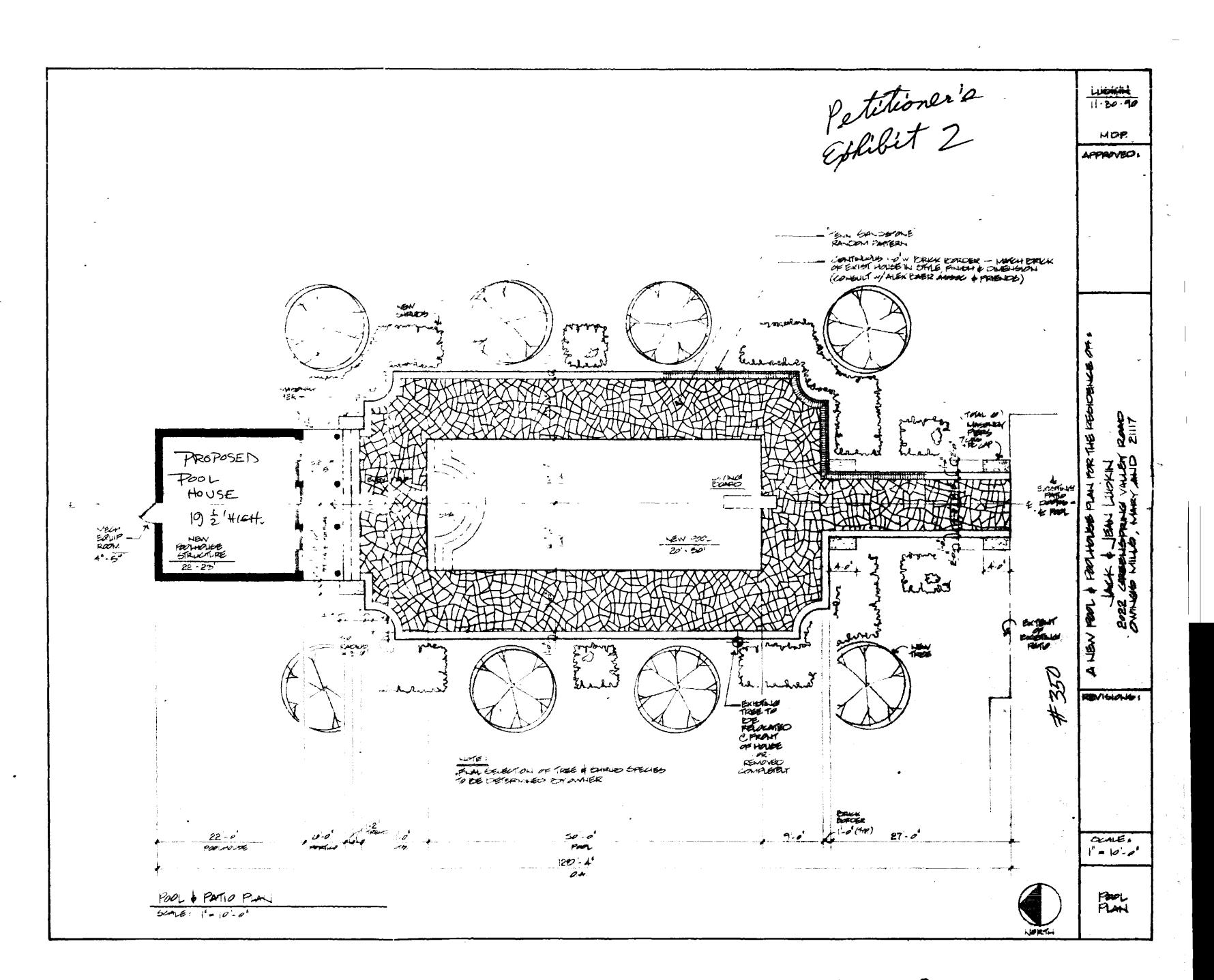
Thank you very much for your attention in this matter. Please contact me if I can be of further assistance.

Sincerely, Michael D. Pachino, Architecural Designer 25 Falls Chapel Way Reisterstown, MD 21136 (301)833-6220

MDP/sfa

CHANGE E ELDERKIN .REBARACAP ? FOUND B.L. 503 UND B.L. 503 __ __ __ __-PROPOSED POOL HOUSE HAP 59 P. 575 FRONT OF DWLG I ACCPT FULL RESPONSIBILITY FOR THE ALLURINY OF THE INFORMATION! ON THIS PLAN AND 9.7637 ACRES ACCOMPANYING 425,306.82 SQ.FT. DESCRIPTION AS DRAWN AY MAT 68 P. 358 | DALTO JOUNT) FOUND 30' ROAD CHS OWNER JACK LUSKIN) ADDRESS 2022 GALENTRINAL VALLEY RD TE 91.356' h CONC. M(FOUND (PO.B) ZONE RC - 2 MAP# NE II E WELL+SEPTIC SHOWN). 3RD COUNCIL DISTRICT. 3RD ED, SCALE 1"=100' #350





91-356-A

